

AGN. NO. _____

MOTION BY MAYOR MICHAEL D. ANTONOVICH

APRIL 18, 2006

Beginning in 2006, State law requires that any person seeking to register to vote must provide their current California Driver's License number on a Voter Registration Affidavit or their last four digits of their Social Security number if they do not have a valid driver's license. The information gathered is also required by Federal law to be verified independently against the appropriate governmental databases (the State Department of Motor Vehicles or Federal Social Security Administrator database). Until verification occurs, the individual's affidavit for registration cannot be processed per the Help America Vote Act of 2002. Because this is a new requirement, many individuals registering or re-registering to vote are not providing this legally required information on their affidavits of registration. Our Registrar-Recorder has indicated that despite sending more than 25,000 follow-up letters and placing thousands of additional phone calls attempting to gather this missing information from applicants, the majority of these voter registration forms remain unprocessed.

- M O R E -

MOTION

MOLINA	_____
BURKE	_____
YAROSLAVSKY	_____
KNABE	_____
ANTONOVICH	_____

Secretary of State Bruce McPherson, is proposing a legislative solution to amend Elections Code Section 2154 (attached). This amendment will allow the election officials to independently gather the required information (driver's license number) from the Department of Motor Vehicles' database, and if available, automatically apply that information to the voter record. In order to implement this proposal in time to be effective for the upcoming Primary Election, State urgency legislation would need to be enacted to take effect immediately.

I, THEREFORE, MOVE that the Board send a five-signature letter to the Governor, the Senate Pro Tem, the Assembly Speaker, the Senate and Assembly Minority Leaders, and the County's State Legislative Delegation supporting the Secretary of State's urgency legislative proposal in order to automate the gathering of this identifying information necessary to complete the registration affidavit.

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MDA:kblsc

Elections Code Section 2154, as amended, would read:

2154. In the event that the county elections official receives an affidavit of registration that does not include portions of the information for which space is provided, the county elections official shall apply the following rebuttable presumptions:

(a) If no middle name or initial is shown, it shall be presumed that none exists.

(b) If no party affiliation is shown, it shall be presumed that the affiant has no party affiliation.

(c) If no execution date is shown, it shall be presumed that the affidavit was executed on or before the 15th day prior to the election, provided that (1) the affidavit is received by the county elections official on or before the 15th day prior to the election, or (2) the affidavit is postmarked on or before the 15th day prior to the election and received by mail by the county elections official.

(d) If the affiant fails to identify his or her state of birth within the United States, it shall be presumed that the affiant was born in a state or territory of the United States if the birthplace of the affiant is shown as "United States," "U.S.A.," or other recognizable term designating the United States.

(e)(1) If the affiant fails to provide a driver's license number, and an electronic process established to verify information with the records of the Department of Motor Vehicles identifies only one individual who possesses the last name, first name, and date of birth of the affiant, the driver's license number of that individual shall be presumed to be the driver's license number of the affiant for purposes of paragraph (7) of subdivision (a) of Section 2150 and Section 303(a)(5) of the Help America Vote Act of 2002 (P.L. 107-252).

(2) The rebuttable presumption described in paragraph (1) may be applied to an affiant regardless of whether that affiant provides the last four digits of his or her social security number.